

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MAFAYETTE FIELDS,

Plaintiff,

v.

RN K. DEYOUNG, RN KERI NEWBURY,
UNIT MANAGER FRYE, CAPTAIN MORGAN,
HSU MANAGER MASHAK, DR. SYED,
M. DITTMAN, JON LITSCHER, JAMES GEER,
RYAN HOLZMACHER, and MARY MUSE,

Defendants.

ORDER

16-cv-405-jdp

Plaintiff Mafayette Fields brings this lawsuit alleging that prison officials failed to treat his foot problems by rejecting a doctor's prescribed accommodation for "soft top" shoes. Plaintiff seeks leave to proceed *in forma pauperis* with this case, and the court has assessed plaintiff an initial partial payment of the filing fee, which plaintiff must pay before I screen the case under 28 U.S.C. §§ 1915 and 1915A.

Before paying this initial partial payment, plaintiff has written the court, stating that prison officials are still in the process of reviewing an appeal of his grievances about his medical treatment. *See* Dkt. 7. Plaintiff says that he is considering voluntarily dismissing this case, and asks whether he would have to resubmit all of the filings he has made so far in this case if he were to dismiss and then refile the case. *Id.* He also asks whether this case is considered filed when he pays the filing fee, when the court assessed his initial partial payment, or some other date. *Id.*

I give plaintiff the following information so that he can decide whether to proceed with this case or voluntarily dismiss it: the court will not consider plaintiff to owe the filing

fee for this case until he signals his intention to proceed with it by paying the initial partial payment of the filing fee he has been assessed. This means that if he chooses to voluntarily dismiss this case, the case will be dismissed without prejudice to him refiling it at a later date, and he will owe nothing for this lawsuit. If he later chooses to refile this lawsuit, he should inform the court of that intention, and I will direct the clerk of court to take all of the documents he has filed in this case and docket them in his brand-new lawsuit.

I will give plaintiff a short time to inform the court whether he wishes to voluntarily dismiss this case or signal his intention to continue with this case by submitting his initial partial payment.

ORDER

IT IS ORDERED that plaintiff Mafayette Fields may have until July 8, 2016, to inform the court whether he wishes to continue with this case.

Entered June 27, 2016.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge